

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER A. JONES,)
vs.)
DWIGHT NEVEN, *et al.*,)
Plaintiff,)
vs.)
Defendants.)
)
Case No. 2:07-cv-01088-JCM-GWF
ORDER
Motion to Compel (#119)

This matter is before the Court on Plaintiff Christopher A. Jones' Motion for Emergency Telephonic Discovery Conference (#115), filed February 9, 2011 and Motion to Compel (#119), filed February 22, 2011. The Court held a hearing on these matters on March 2, 2011.

DISCUSSION

1. Medical Records

Plaintiff requests that the Court order Defendants to provide him with the medical records they attached to their motion to dismiss (#51-52) and allow him to view the records in his cell at Ely State Prison. (#115). Defendants responded at the hearing that Plaintiff is able to view his medical records at any time by requesting access to them at Ely State Prison, but the prison does not allow inmates to keep medical records in their cell. Plaintiff challenges this assertion and states that he is specifically seeking access to the medical records used by Defendants to support their motion to dismiss and that he has been granted leave to keep the records in his cell in prior cases. Upon review of the filings and consideration of the parties' arguments, the Court will order that Defendants deliver the medical records to Ely State Prison and that the prison make the records available for inspection for a minimum of four (4) hours in the manner ordered below.

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1 **2. Motion to Compel**

2 Plaintiff argues that Defendants should be compelled to respond to his outstanding requests for
3 discovery. (#119). Upon review of the filings and consideration of the parties' arguments, the Court
4 will grant Plaintiff's motion in the manner discussed below. Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff's request to have access to his medical records is
6 granted as follows:

7 1. Defense counsel shall submit the medical records attached to Defendants' motion to
8 dismiss (#52) to Ely State Prison within ten (10) days of this order for Plaintiff's
9 inspection;

10 2. Ely State Prison shall make the medical records available for Plaintiff's inspection for
11 four (4) hours on or before **March 28, 2011**. If the prison is unable to arrange for
12 Plaintiff to view the records for four (4) consecutive hours in one (1) day, officials may
13 arrange for the plaintiff to view the records for four (4) hours broken up over two (2)
14 consecutive days; and

15 3. Ely State Prison may require that Plaintiff review the records in a restricted or authorized
16 space as long as Plaintiff is permitted to take notes unless otherwise ordered by the
17 Court.

18 **IT IS FURTHER ORDERED** that the Court will withhold judgment on Plaintiff's request for
19 leave to keep the medical records in his cell. Plaintiff may supplement his request for leave to keep his
20 medical records in his cell by submitting evidence on or before **March 9, 2011** that he has previously
21 been granted leave to do so. Defendants will have one (1) week from the date the supplement is served
22 to file a response, if necessary.

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1 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Compel (#119) is **granted** as follows:

2 1. Defendants shall respond to all outstanding discovery requests on or before **April 6,**
3 **2011**; and
4 2. Defendants shall verify their responses and respond in a good faith and substantial
5 matter. If Defendants fail to do so, and are unable to provide sufficient justification for
6 the failure to do so, the Court will entertain a motion for sanctions against the non-
7 responsive defendants.

8 **IT IS FURTHER ORDERED** that the discovery deadline is extended until **June 6, 2011**.

9 DATED this 4th day of March, 2011.

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12 **GEORGE FOLEY, JR.**
13 United States Magistrate Judge